

Regime for the recognition and enforcement of arbitral awards under the New York Convention

Abstract

The aim of this thesis is to introduce the issue of Article III of the New York Convention and its reception into the Czech legal system, including the stance of the Czech courts on this issue. This particular Article enables Contracting States to establish their own procedural rules *stricto sensu* regarding the recognition and enforcement of foreign arbitral awards to which the New York Convention applies. However, these rules shall be in compliance with the conditions laid down in the Convention, such as, in particular, the prohibition to impose substantially more onerous conditions or higher fees or charges than those imposed on domestic arbitral awards. Therefore, on the one hand, the Contracting State is given the right to define its own regime for the proceedings of the recognition and enforcement of foreign arbitral awards, but on the other hand, there are also substantial limitations, given that the rules shall not conflict with the New York Convention's provisions. The essence of this work is to evaluate the position of foreign arbitral awards, compared with the domestic one in terms of the recognition and enforcement in the Czech Republic.

Regarding the structure of the thesis, the purpose of the New York Convention itself is defined first, followed by an analysis of its Article III which is a fundamental element of the work. The following section dealing with the Czech legal regulation of civil enforcement proceedings in relation to the Czech arbitral awards is necessary to assess the reception of Article III of the New York Convention in the Czech legal system and the fulfilment of the condition prohibiting the double standard. It describes the court's enforcement of the decision as well as the execution proceedings. The next chapter is a crucial one because it deals with the recognition and enforcement of foreign arbitral awards in the Czech Republic. This first addresses the issue of the status of the New York Convention as an international convention within the Czech legal system, then the procedural regulation of the recognition and enforcement of such foreign arbitral awards and the case-law approach to this issue. Finally, the thesis briefly summarizes the partial conclusions made in the work, provides an answer to the research question as well as possible solutions to the disputable issues.

Klíčová slova:

New York Convention, foreign arbitral award, recognition and enforcement, case law of the Supreme Court of the Czech Republic